



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 3, 2021

By ECF

MEMORANDUM ENDORSEMENT

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Dooley v. United States*, No. 18-cv-7136 (GWG)

Dear Judge Gorenstein:

This Office represents the United States (the “Government”) in the above-captioned Federal Tort Claims Act action brought by Plaintiff Kevin Dooley. I write respectfully pursuant to Rules 1.B and 1.E of the Court’s Individual Practices to request that the Court reopen fact discovery for the limited purpose of permitting the Government to serve a subpoena for medical records on two of Plaintiff’s medical providers. Plaintiff, through his counsel, consents to this request.

As the Government was preparing its pretrial submissions, which are due on June 4, 2021, it discovered from Plaintiff’s insurance claim file that Plaintiff had sought treatment from Lenox Hill Hospital and North Shore LIJ Medical PC. Plaintiff had not previously disclosed, either in his initial disclosures, his responses to the Government’s interrogatories (including an interrogatory asking Plaintiff to identify all medical providers who treated him from May 18, 2012, to date), or his deposition testimony that he had sought treatment from these providers. The Government would like the opportunity to review records from these providers and to be able to include them on its exhibit list if it believes they should be used at trial. Plaintiff is not prejudiced by this request because the records sought are Plaintiff’s own medical records, which he can obtain from his providers at any time.

Accordingly, the Government respectfully requests that the Court reopen fact discovery for the limited purpose of permitting the Government to serve subpoenas on Lenox Hill Hospital and North Shore LIJ Medical PC. If the Court grants the Government’s request, the Government anticipates that it will be able to obtain the records (and produce copies of them to Plaintiff) in advance of the June 4 pretrial submission deadline. Thus, the Government has no reason to believe that this request will affect any other deadlines in the matter.

We thank the Court for its consideration.

Respectfully submitted,

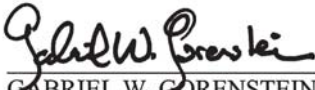
AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: /s/ Danielle J. Levine
DANIELLE J. LEVINE
JENNIFER JUDE
Assistant United States Attorney
Telephone: 212-637-2689/2663
E-mail: danielle.levine@usdoj.gov
jennifer.jude@usdoj.gov

cc: Counsel of Record (via ECF)

Application granted.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge
May 4, 2021